## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	) Case Number 8:13CR367 )	
Plaintiff,		
vs.	) DETENTION ORDER )	
LUIS D. NAVARRO-HERNANDEZ,	) )	
Defendant.	)	
A. Order For Detention  After the defendant waived a detention 3142(f) of the Bail Reform Act, the Coudetained pursuant to 18 U.S.C. § 3142(	rt orders the above-named defendant	
conditions will reasonably assure required.  X By clear and convincing evidence		
that which was contained in the Pretrial  X (1) Nature and circumstances of the crime: Possession Mixture is a serious of the contained in the Pretrial of the circumstances of the crime is a serious of the contained in the Pretrial of the circumstance of the circums	on with Intent to Distribute Methamphetamine crime and carries a maximum penalty of nt. e of violence.	
(a) General Factors:  The defenda  may affect w  The defenda  X The defenda  X The defenda	against the defendant is high. cics of the defendant including: ant appears to have a mental condition which whether the defendant will appear. ant has no family ties in the area. ant has no steady employment. ant has no substantial financial resources. ant is not a long time resident of the	

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				community. The defendant does not have any significant community ties. Past conduct of the defendant:
		(b)	  At the t	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings.  time of the current arrest, the defendant was on: Probation Parole
				Supervised Release
				Release pending trial, sentence, appeal or completion of sentence.
		(c)	Other F	
			<del></del>	The defendant is a legal alien and will be subject to
			V	deportation if convicted.
			<u>X</u>	The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
<u>X</u> (	(4)			nd seriousness of the danger posed by the defendant's sollows:
		Prior deportation in 2012. Prior conviction for Domestic Assault in		
		<u>2004.</u>		
<u>X</u> (	(5)	In determined	ermining on the f	resumptions g that the defendant should be detained, the Court also ollowing rebuttable presumption(s) contained in 18 U.S.C. ch the Court finds the defendant has not rebutted:
_	Χ	-	That no	condition or combination of conditions will reasonably
				the appearance of the defendant as required and the
			-	of any other person and the community because the Court nat the crime involves:
				(1) A crime of violence; or
				(2) An offense for which the maximum penalty is life
			Υ	imprisonment or death; or (3) A controlled substance violation which has a
			<u>X</u>	maximum penalty of 10 years or more; or

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	(4)	A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
<u>X</u> (b)	assure the a safety of the probable ca	adition or combination of conditions will reasonably appearance of the defendant as required and the community because the Court finds that there is tuse to believe:  That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.
	(2)	That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

dangerous weapon or device).

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 3<sup>rd</sup> day of October, 2013.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge

punishment if committed by the use of a deadly or